

Application No.: 10/023,787

Docket No.: 65858-0011

**AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawings includes a change to Figure 4. In response to the Examiner's objection that "reference character '31' has been used to designate both ambient image and occupant" (Office Action, page 2), the reference numeral for "ambient image" has been changed to "38." This change is consistent with the reference numeral used to describe "ambient image" in the Specification. (See, e.g., ¶ 25.)

Attachment: Replacement sheet

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**REMARKS**

Claims 1-38 are pending.<sup>1</sup> Claims 1, 18, and 20 are independent claims. In the Office Action, claims 18-19 were allowed, and claims 14-17 and 34-38 were stated to contain allowable subject matter, but were objected to as depending from rejected base claims. Further, claims 1-4, 6-13, and 20-33 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over G. Baxes, 1994, *Digital image processing: principles and application* ("Baxes"), in view of U.S. 4,625,329 ("Ishikawa").

Amendments are made herein to the Drawings and Specification to address objections raised by the Examiner as well as certain other informalities. Further, claim 1 is amended, and claim 2 is canceled.

Applicant thanks the Examiner for the early indication of allowable subject matter. In view of this indication, as well as the foregoing claim amendments and the following arguments, all pending claims are believed to be in condition for allowance.

**Section 103 Rejections**

Independent claims 1 and 20 were rejected as allegedly obvious over Baxes in view of Ishikawa. Claim 1 as amended recites in part an "image segmentation method" that includes "identifying one or more pixels as belonging to one of a plurality of pixel categories on the basis of one or more initial pixel values associated with the pixels being identified wherein identifying one or more said pixels further includes generating an image threshold." Claim 20 recites in part an "image segmentation system" that includes "an image thresholding subsystem, including a plurality of pixels representing the ambient image, and an image thresholding heuristic, said image thresholding subsystem categorizing said plurality of pixels in accordance with said image thresholding heuristic . . . wherein a segmented image is generated from said plurality of pixels." Regarding these claim limitations, the Office Action (pp. 6-7) asserted that "Baxes discloses determining (generating) an image threshold." Applicant respectfully submits that the Examiner has

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<sup>1</sup> The Office Action Summary (Office Action, page 1) erroneously stated that only claims 1-17 and 20-38 are pending. This statement appears to have been inadvertent, inasmuch as the Office Action Summary also stated that claims 18-19 are allowed.

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taken the “brightness slicing” disclosed by Baxes out of context, and that Baxes fails to read on Applicant’s claims, taken as a whole.

The portion of Baxes cited by the Examiner (see Baxes, p.77) as allegedly teaching that “identifying one or more said pixels further includes generating an image threshold” discusses the “technique of brightness slicing,” used for the purpose of image enhancement and restoration.

Baxes explains that

Both a lower and an upper brightness threshold are selected, so that brightnesses in between are mapped to white, and brightnesses below the lower value and above the upper value are mapped to black. This method works well when the features to be highlighted occupy brightnesses that are in between the brightnesses of other features . . .

(Id.) Baxes’ teaching of “brightness slicing” clearly has nothing to do with an “image segmentation method” as is recited in claim 1. Rather, Baxes’ method is applicable when it is desirable to enhance or highlight certain features in a image. (See id.) Baxes contains no teaching or suggestion that his method can or should be used for the purpose of segmenting images. In other words, assuming *arguendo* that Baxes’ brightness thresholds read on the “image threshold” recited in claim 1, there is no teaching or suggestion to combine Baxes’ alleged teaching of using brightness thresholds with all the limitations recited in claim 1 which, taken as a whole, and, as indicated in the claim preamble, recite an image segmentation method.

For similar reasons, Baxes does not teach or suggest the “image thresholding subsystem” required by claim 20. That is, assuming *arguendo* that Baxes teaches “categorizing said plurality of pixels in accordance with said image thresholding heuristic” as is required by claim 20, Baxes does not teach or suggest, in the context of this teaching, that “a segmented image is generated from said plurality of pixels,” as is further required by claim 20. Thus, similar to Baxes’ deficiencies with respect to claim 1, there is no teaching or suggestion to combine Baxes’ alleged teaching of using brightness thresholds with all the limitations recited in claim 2 which, taken as a whole, and, as indicated in the claim preamble, recite an image segmentation system.

Accordingly, for at least the foregoing reasons, independent claims 1 and 20 are in condition for allowance. Further, claims 3-4, 6-13, and 20-33 are in condition for allowance at least by reason of their dependence on the foregoing independent claims.

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**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If the Examiner believes that any further matters require clarification, the Examiner is encouraged to telephone the undersigned Applicant's representative.

Applicant believes that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65858-0011, from which the undersigned is authorized to draw.

Dated: June 21, 2005

Respectfully submitted,

By 

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**REPLACEMENT SHEET**